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In re Application of:
Joseph C. Sher et al.
Serial No.: 09/989,563
Filed: November 19, 2001
Attorney Docket No.: MICRON.113C1

DECISION *SUA SPONTE*
WITHDRAWING HOLDING
OF ABANDONMENT

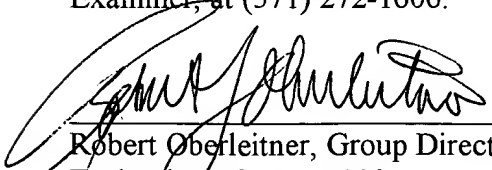
This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

A decision on appeal by the Board of Patent Appeals and Interferences (BPAI) was mailed on July 26, 2006, affirming all the final rejections made by the examiner and instituting a new ground of rejection under 35 USC 112, first paragraph, of all pending claims. A Notice of Abandonment was mailed on October 5, 2006.

Although no petition or request to withdraw the holding of abandonment in this application has been filed, the Notice of Abandonment is hereby vacated, the holding of abandonment withdrawn and the application restored to pending in view of the fact that the appellant has two months from the date of the BPAI decision to seek review of the decision by the court, to commence a civil action, or to take any appropriate action. The record indicates that a Request for Continued Examination (RCE) was filed on September 29, 2006, via a certificate of mailing under 37 CFR 1.8(a) dated September 26, 2006. The RCE was considered timely filed pursuant to the certificate of mailing procedure. The RCE was accompanied by an amendment to the claims and arguments. The application is not abandoned in fact. Inconvenience to the applicant is regretted.

The RCE will be processed and an Office action will be issued in due course.

Any inquiry regarding this decision should be directed to Hien H. Phan, Special Program Examiner, at (571) 272-1606.


Robert Oberleitner, Group Director
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